

To: Wilcox, Geoffrey[wilcox.geoffrey@epa.gov]
From: Mastro, Donna
Sent: Fri 1/17/2014 10:01:15 PM
Subject: FW: EPA Mid-Atlantic Region Headlines - Friday, January 17, 2014

Merely passing along some totally public information widely available on internet for your reading.....
There was also an interesting story in the Charleston Gazette yesterday which contained first quotes by EPA on this spill.

West Virginia Inspectors Visited Chemical Spill Site Five Times Since

2001 <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=55&ved=0CDcQqQIoA DAEOdI&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303465004579324580593833264.html&ei=hCTZUp7KNoflsATOo4CYBQ&usg=AFQjCNEL46LIP8JaSjxHXK9uEXnqgkwBYA&sig2=WQK-0iqq_QIGk8hOzpsTJA&bvm=bv.59568121,d.cWc>

WALL STREET JOURNAL CHARLESTON, W.Va. Environmental inspectors visited the site of last week's chemical spill here at least five times since 2001, but they primarily focused on air quality rather than factors that might have figured in the accident that compromised the water supply of 300,000 people, newly released records show. The state air-regulation inspectors weren't required to look at the storage of the chemicals, West Virginia officials said, underscoring gaps in regulatory oversight of the facility. The inspections the number of which is higher than officials initially reported mainly were for routine reviews, but one occurred in response to complaints of a strong licorice smell, the new cache of records shows. In 2010, inspectors traced the licorice odor to tanks storing 4-methylcyclohexane methanol, the records indicate. That is the same substance authorities said leaked from a tank on the site Jan. 9, breached a failed containment wall and entered the Elk River, blanketing the city in the distinctive smell and contaminating the water supply. The trove of records from the state Department of Environmental Protection contradicts reports from agency authorities soon after the spill that inspectors hadn't been on the site, owned by Freedom Industries Inc., since 1991. Tom Aluisse, a department spokesman, said Thursday that the agency initially wasn't aware of the additional inspections. Records show DEP inspectors visited the storage facility in 2002 as part of a voluntary cleanup done by the previous owner, Pennzoil-Quaker State Co., which had sold the parcel to a company connected to Freedom a year earlier. Inspectors from the agency's air-quality division also conducted routine reviews in May 2005, June 2009 and February 2012. No violations were found, according to a review of the documents by The Wall Street Journal.

Editorial: Contaminated Water in West

Virginia <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=62&ved=0CC4QqQIoADABODw&url=http%3A%2F%2Fwww.nytimes.com%2F2014%2F01%2F17%2Fopinion%2Fcontaminated-water-in-west-virginia.html&ei=3CfZUrbDJOrMsAT6nIDQCA&usg=AFQjCNFyAi35OPVyX60LR3VCR-ACoHPWGg&sig2=V5v5_BEfWzJXkuRXXKRBA&bvm=bv.59568121,d.cWc>

NEW YORK TIMES The chemical spill that cut off water to more than 300,000 people in West Virginia for several days has exposed serious defects in state and federal environmental protections that allow many facilities and chemicals to escape scrutiny. Investigators are still trying to figure out exactly how an estimated 7,500 gallons of a chemical used to clean coal called 4-methylcyclohexane methanol, or MCHM, leaked from a storage facility into the Elk River. But state and federal agencies clearly should have done more to limit the risks. For starters, the state failed to adequately inspect how the facility stored chemicals, though it did send inspectors there to check on air quality. The chemicals were kept in tanks on the riverbank, upstream from a large water-treatment plant that supplies Charleston. The spill is the third major chemical accident in the region in five years. State lawmakers and regulators in West Virginia have a long history of coddling the coal and chemical industries, which dominate the state's economy. According to a 2009 investigation by The Times, companies that pollute state waters are rarely fined. And state officials have so far ignored a 2011 proposal from the federal Chemical Safety Board urging new rules to prevent industrial accidents and spills. That recommendation came after an explosion at a chemical plant near Charleston that killed two people in 2008. The federal government also has a checkered record on chemical safety. The main law regulating chemicals, the Toxic Substances Control

Act of 1976, has allowed tens of thousands of inadequately tested chemicals, including MCHM, to remain in use. (Experts say it's unclear how harmful MCHM is and how much exposure could lead to death or a serious illness because the company that makes it has not publicly disclosed detailed information about the chemical.) Instead of requiring manufacturers to show that their products are safe before they can be used, the law puts the burden of proof on the Environmental Protection Agency -- a huge investigative and regulatory undertaking. The result is that the E.P.A. has tested just 200 of the roughly 85,000 chemicals in use today, and restricted fewer than a dozen. What's needed is meaningful reform like the Safe Chemicals Act of 2013 introduced by Senator Frank Lautenberg, Democrat of New Jersey, and Senator Kirsten Gillibrand, the New York Democrat, that would require manufacturers to prove that chemicals are safe before they can be sold. In recent days, concentrations of MCHM in the water system have fallen sharply and some in the Charleston area can now drink the tap water. But the passing of this crisis should not dissuade the state or the federal government from strengthening and enforcing statutes.

Editorial: State failed to protect citizens<<http://wvgazette.com/rssFeeds/201401150130>>

CHARLESTON GAZETTE CHARLESTON, W.Va. -- The decrepit Freedom Industries tank farm beside Elk River hadn't been visited by state inspectors since 1991 -- almost a quarter-century ago -- before it tainted the water supply of 300,000 West Virginians. Why? What's wrong with the state's public protection systems? Are laws inadequate to deal with industrial dangers? Is enforcement slipshod? Charleston reformer lawyer Jim Lees wrote Wednesday: "For the past decade, I have watched politician after politician in West Virginia bow down to industry-led efforts for less regulation and less oversight -- Jay Rockefeller being the exception." Lees said West Virginians deserve safe drinking water, just like all other Americans. And it's up to state leaders to impose controls to guarantee it. Amen. Time after time, the U.S. Chemical Safety Board urged West Virginia to adopt an "audit" system in which teams of independent health and safety experts examine plants and facilities to spot threats. But the proposal was ignored. Why? Rep. Shelley Capito, R-W.Va., said Tuesday she supports the audit plan. Other West Virginians in Congress are working on federal safeguards. Sen. Joe Manchin wants U.S. regulators to rate the health danger of 84,000 less-known chemicals. "My God," he said, "you've got thousands and thousands of products that have come online that are totally, you know, unevaluated." Gov. Tomblin says he's working with Department of Environmental Protection Secretary Randy Huffman to draft new safety plans. It's too bad that it took a public crisis to prod officialdom into action -- but we're glad it's finally happening. Protecting West Virginians from this sort of menace should be the top priority of the 2014 Legislature.... This huge headache is a wake-up call for the Legislature to make major reforms in safeguards to protect West Virginians.

How safe is West Virginia tap water, if pregnant women shouldn't drink it?

<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=2&ved=0CDMQqQloADAB&url=http%3A%2F%2Fwww.cnn.com%2F2014%2F01%2F16%2Fus%2Fwest-virginia-contaminated-water%2F&ei=lyDZUsWjEpWqsQSfkYHACw&usg=AFQjCNHJInK7d5nQA1oMrrh5RXowIBlBVA&sig2=hXWXQr-XMYkxLHICycW7zg&bvm=bv.59568121,d.cWc>>

CNN Days after they told some West Virginia residents they shouldn't worry about drinking tap water contaminated with a chemical used to clean coal, local health officials issued a new advisory this week. Pregnant women, they suggested, might want to stick to drinking bottled water. In new guidance issued Wednesday night, West Virginia health officials advised pregnant women to wait to drink tap water until there are no detectable levels of the chemical in it. So how safe can the tap water be, if pregnant women shouldn't drink it? "That's a good question," said Dr. Rahul Gupta, director of the Kanawha-Charleston Health Department. "There's a lot of unknowns about this potential chemical that have the chance to do some harm to humans." The Centers for Disease Control and Prevention have said as long as the chemical is diluted enough, the water should be safe to drink. But other experts say they aren't so sure, because studies about the chemical -- 4-methylcyclohexane methanol -- are sparse, and investigators are still looking into them. "Due to limited availability of data, and out of an abundance of caution, you may wish to consider an alternative drinking water source for pregnant women until the chemical is at non-detectable levels in the water distribution system," CDC director Dr. Thomas Frieden said in a letter to West Virginia health officials advising them on the situation. It's not uncommon for officials to issue different guidance for pregnant women, who are considered to be more vulnerable to illness than the general population. One reason why: even when chemicals have been studied, research into the impact

on pregnant women is less common. But some have expressed concern that ever since the spill started, guidance to the public about the contaminated water has been murky. Residents first got word of the situation on January 9, when authorities warned hundreds of thousands of people living in nine West Virginia counties not to use tap water or do anything except flush their toilets with it. More than 7,000 gallons of the chemical, known as MCHM, has leaked from a storage tank into the Elk River -- a key water supply source. A strong licorice odor was the telltale sign that the chemical was present, and officials warned that they couldn't say the water was safe. Over the weekend, state health officials said they'd gotten guidance from the CDC. And starting Monday, they began giving the go-ahead to people in certain areas to start using tap water again. Asked about the chemical, the CDC issued guidance to state authorities in West Virginia suggesting the water would be safe to drink if samples met the safety standard of 1 part per million -- meaning that there is no more than 1 milligram of the chemical in 1 liter of water. Does that mean it's safe? "Based on the water sampling data that we have seen, we think that allowing the water to be used for drinking and cooking and all the other things is perfectly appropriate," said Dr. Vikas Kapil, chief medical officer for the CDC's National Center for Environmental Health.

Federal lawsuit claims company hid chemical's cancer-causing effects<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=44&ved=0CDIQqQloADADOCg&url=http%3A%2F%2Fwww.wvgazette.com%2FNews%2F201401160113&ei=5CLZUoexBO_I sAT6oYLgCQ&usg=AFQjCNFUTQnKbjs68O_4D7MSD3BaXSRUqg&sig2=sH3-CWo0xxnR0-4Q9_DORg&bvm=bv.59568121,d.cWc>

CHARLESTON GAZETTE CHARLESTON, W.Va. -- A federal lawsuit against the company that makes the chemical that leaked into the Elk River and left thousands of West Virginians without water for more than a week claims the company hid evidence that the chemical causes cancer. The lawsuit filed against Eastman Chemical Company, which makes 4-methylcyclohexane methanol, known as "Crude MCHM," claims the company ignored studies that prove the dangers of the chemical. An Eastman spokeswoman says that's not true and studies generated by the company prove the chemical doesn't cause cancer. The lawsuit was filed this week on behalf of businesses shut down for days with no water and by residents who claim they were exposed to the water. Plaintiffs are also suing West Virginia American Water, Freedom Industries and its director of operations, Gary Southern. As of Thursday, more than 20 lawsuits had been filed in Kanawha Circuit Court on behalf of businesses and West Virginia American Water customers. The federal lawsuit is the only suit that names Eastman, however. Crude MCHM, a chemical used in the coal preparation process, was spilled by Freedom Industries, a chemical distributor on Barlow Drive just upriver from the water company's intake on Jan. 9. Material safety data sheets provided by Eastman, based in Kingsport, Tenn., ignore "extensive scientific information known showing the risks of the chemical's carcinogenic and highly toxic component parts," the lawsuit states. "4-MCHM is a combination of two very dangerous chemicals known to cause cancer and other effects, but the MSDS sheets issued by the manufacturer, Eastman Chemical Company, ignore and hide the extensive scientific information known showing the risks of the chemical's carcinogenic and highly toxic component parts," the lawsuit states.

Blog: McConnell Launches Pre-Emptive Strike on EPA

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=63&ved=0CDMQqQloADACODw&url=http%3A%2F%2Fblogs.wsj.com%2Fwashwire%2F2014%2F01%2F16%2Fmcconnell-launches-pre-emptive-strike-on-epa%2F&ei=azLZUoC8D-_ksATXsYAI&usg=AFQjCNFTThLTclwPtn2qaYyprzbwLJ8kQQ&sig2=_UwmqgENZXPBAplJle64Bw&bvm=bv.59568121,d.cWc>WALL STREET JOURNAL Senate Minority Leader Mitch McConnell of Kentucky mounted a pre-emptive assault Thursday on the Environmental Protection Agency, attempting to block planned federal greenhouse gas emissions limits on new coal-fired power plants. Mr. McConnell and 40 other Republican senators including fellow Kentuckian Rand Paul filed a resolution of disapproval against the agency's proposed rules, which were formally offered last week in the Federal Register. The regulations would encourage the use of carbon-capture technology to minimize emissions, which the industry says would effectively prevent the building of new coal-fired plants. Kentucky is facing a real crisis here, McConnell said from the Senate floor. The Obama administration appears to be sending signals that its latest regulation is just the beginning in a new, expanded front in its war on coal. The longtime Kentucky Republican has been sparring with the White House and President Barack Obama's

administration over coal industry environmental regulations for several years, during which time the coal industry in Appalachia has been shrinking and its jobs disappearing. Already, the administration's regulations have played a significant role in causing coal jobs in my state to plummet," said Mr. McConnell. "These are good jobs that pay more than \$1 billion in annual wages to my constituents. And for every miner with a job, three more Kentuckians will hold a coal-dependent job too," he added. The Sierra Club denounced the GOP resolution. McConnell is attacking [the rules] before the Environmental Protection Agency has even determined what they will be. McConnell's political maneuver is like asking for instant replay before the football is even snapped," said Melinda Pierce, Sierra Club Deputy Legislative Director, in a statement. The EPA is unlikely to finish the coal-plant rulemaking for months; it has just begun a 60-day comment period. But Mr. McConnell can't afford to dally. He is running for re-election, and has been under fire both from the likely Democratic contender, Alison Lundergan Grimes, and from a tea party candidate, Matt Bevin, who may challenge Mr. McConnell in a GOP primary this year.

EPA tries to map a toxic legacy on and under Metachem

site<<http://www.delawareonline.com/article/20140117/NEWS08/301170031/EPA-tries-map-toxic-legacy-under-Metachem-site>>

WILMINGTON NEWS JOURNAL Snow flurries rode a faint chemical breeze across Red Lion Creek marsh near Delaware City on Thursday as Environmental Protection Agency contractors maneuvered a sediment probe across cold muck and crackling reeds. The labor, science and mothball-like aromas were legacies of the Standard Chlorine/Metachem debacle, a 2002 chemical plant bankruptcy that followed years of spills, loose regulation and illegal operations that left state and federal taxpayers with a cleanup bill last estimated at \$100 million. It is a number that could push higher, even after a dozen years of government control and study, as efforts to locate and measure contamination and nail down new cleanup and containment strategies for soil and groundwater continue. A separate agency, the U.S. Geological Survey, is assisting, while also mapping threats to a deep aquifer, the Potomac, used for public utility drinking water wells to the north and south. "It's a highly complex site. I think all Superfund sites are, but this, given the nature of the contamination we have and the volume of contamination, has been complex from Day One," said Brad White, the EPA's remedial project manager. David Carter, conservation chairman for Delaware Audubon Society, said the costly exercise proved the value of Delaware's ban on new heavy industry in the Coastal Zone, and the public stakes in discussions about stretching or amending the conservation law for jobs and economic development. "The brutal reality is that we do not currently have the technology, knowledge, and/or financial resources to adequately clean up this toxic industrial site," Carter said. "Under such circumstances, the proposed cures may come at risk of being worse than the damage done." White said Thursday that the EPA is wrapping up weeks of sediment sampling, at 80 different spots near the creek, to help scientists figure out what, if any, method to use for decontaminating about 30 acres of wetlands and adjacent areas where chlorinated benzenes spilled into the landscape.

Soot monitoring device removed at PBF refinery

<<http://www.delawareonline.com/article/20140117/NEWS08/301170035/Soot-monitoring-device-removed-PBF-refinery>>

WILMINGTON NEWS JOURNAL A citizen-led, state-subsidized air quality monitoring project focused on the Delaware City Refinery abruptly broke down Thursday after a refinery call for the unscheduled removal of a state-owned testing device. Department of Natural Resources and Environmental Control officials declined comment on the episode beyond describing it as an "active investigation." But Stephanie Herron, volunteer and outreach coordinator for the Sierra Club Delaware chapter, said the refinery was behind the removal of the equipment, which had been fitted with a filter to measure soot levels over a 24-hour period. "DNREC police called our project coordinator and told them that they have the monitor because the refinery contacted them and told them to come take it down," Herron said, adding that they had been told that a trespass complaint was a possibility. "They said they're not going to return the monitor, which is especially strange because DNREC owns it in the first place." Michael C. Karlovich, a spokesman for PBF Energy, the refinery's owner, said the episode was a "routine activity." "It's part of securing our property. Our security guard questioned a local activist who was hanging a box with unknown contents on a utility pole on our property. We notified DNREC and they responded. We understand that DNREC officers removed the device. We have not been contacted by any authorities regarding charges," he said. Karlovich declined to say if the refinery would have allowed the sampling to

go forward had the organization requested access in advance, saying it was speculative. Sierra Club and a coalition of Delaware City residents have received small state grants, as well as training assistance from California-based Global Community Monitor, for citizen-managed air sampling work. The project includes use of one-time air grab containers first deployed extensively in disadvantaged community campaigns near Gulf Coast refineries and chemical plants. Some past citizen findings have gotten chilly responses from DNREC and the refinery. In 2012, state officials said that results attributed to the refinery might have been skewed by emissions from the refinery's nearby offloading dock, or by traffic or household activities.

PENNSYLVANIA PHILADELPHIA INQUIRER

Court asked to stick with decision on Pa. drilling law<http://www.philly.com/philly/business/20140117_Court_asked_to_stick_with_decision_on_Pa_drilling_law.html> The plaintiffs who successfully sued to strike down portions of Pennsylvania's shale-gas drilling law on Thursday asked the state Supreme Court to reject the Corbett administration's call to reconsider the decision. Attorneys representing seven towns and the Delaware River Keeper Network filed a 19-page brief saying the governor's lawyers had failed to make a case for reconsidering the decision. The court in December struck down provisions of the state's Oil and Gas Act that stripped municipalities of the power to determine where natural gas drilling activity could occur within their boundaries.

DRPA needs change in culture, interim chief executive says<http://www.philly.com/philly/business/transportation/20140116_DRPA_names_interim_chief_executive_replacing_Matheussen.html> John Hanson, the chief financial officer of the Delaware River Port Authority, was named Wednesday as interim chief executive of the DRPA to replace John Matheussen, who has been appointed a state Superior Court judge by Gov. Christie. Hanson also appears to have the inside track to get the job permanently, although DRPA board members said they would conduct a nationwide search. Hanson, 53, a certified public accountant from Cherry Hill, is a former DRPA board member and a former chairman of the Camden County Republican Party. He has been the DRPA's chief financial officer since 2004. Hanson said Wednesday that he'd like the top job at the DRPA, which operates four toll bridges and the PATCO commuter rail line linking Philadelphia and South Jersey. Hanson said the next CEO must recognize that "changes need to be made in the culture" of the agency, which has long been a political patronage haven and which has been treated by the politically powerful "like a personal ATM," as New Jersey State Comptroller Matthew Boxer said in a 2012 report.

PITTSBURGH POST-GAZETTE

Editorial: Hell in almost heaven : The W.Va. crisis makes a case for regulation<<http://www.post-gazette.com/opinion/2014/01/17/Hell-in-almost-heaven/stories/201401160173>> If aliens were to come down from space to study humankind, they might conclude that the idea of regulating behavior to protect the earthly environment had few friends. In Congress and state legislatures, they would hear regular denunciations of measures that inconvenienced business. They would see citizens voting for these politicians in apparent agreement with their beliefs. The visitors from space would need to stay until something happened to interrupt the anti-regulation chorus — something like the major chemical spill in the Elk River, which meant days of no drinking water for residents of Charleston, West Virginia's capital, and the surrounding counties. The truth is that regulations never have enough friends until it becomes obvious they are needed. As disasters go, West Virginia's could have been worse — the approximately 7,500 gallons of the chemical 4-methylcyclohexane methanol that accidentally leaked from a 35,000-gallon holding tank is not necessarily fatal although it sickened people. But the incident still made almost heaven a living hell and raised some troubling questions. What sense does it make that the state didn't regularly inspect those tanks because the facility is used for storage and not processing? (The Wall Street Journal reported that environmental inspectors hadn't visited the site since 1991.) For that matter, why do dangerous chemicals need to be stored next to a river? What fools these mortals be, other forms of intelligent life might conclude.

STATE IMPACT PENNSYLVANIA Municipalities defend Pa. Supreme Court ruling on Act

13<<http://stateimpact.npr.org/pennsylvania/2014/01/16/municipalities-defend-pa-supreme-court-ruling-on-act-13/>> A group of municipalities that challenged the state's oil and gas law, Act 13, are asking the Supreme Court to deny a request by the Corbett administration to reconsider its ruling. In a response filed Thursday, the municipalities say the court determined that the section of Act 13 allowing the state to preempt local zoning rules was unconstitutional on its face, or based on the plain language of the Pennsylvania Constitution and not on facts. The court found in its Dec. 19 ruling that the provision violated the state's Environmental Rights Amendment which guarantees clean air, pure water and environmental protection for all generations of Pennsylvanians. On Jan. 2, the Corbett administration asked the Supreme Court to reconsider, arguing the court made a series of sweeping factual conclusions about Act 13's constitutionality. In an interview with Radio Pennsylvania's Ask the Governor earlier this week, Corbett said an appellate court like the state Supreme Court is not allowed to establish facts. I think the Chief Justice in his opinion was absolutely wrong to do that, Corbett said.

He should have asked for more facts. He should have asked the court below to make more determination. I think it's a terrible decision. And if the Chief Justice were right here, I'd tell him that right now. Attorneys for the administration want the Supreme Court to allow them to reargue the case based on facts before the Commonwealth Court, as the lower court considers whether the rest of Act 13 will stand without the provisions that were struck down. Among the facts the administration disputes is the court's assertion that Marcellus Shale development will produce a detrimental effect on the environment perhaps rivaling the environmental effects of coal extraction. In their filing, the municipalities say neither appellate court required factual findings to conclude that statutory language allowing heavy industrial activity next to homes, schools and sensitive natural resources without consideration of local conditions violated the state constitution. Chief Justice Ron Castille, who wrote the plurality opinion, will consider the filings of both sides and make a recommendation. Then, the justices will vote on whether or not to reconsider the ruling. You can read their response here:

DEP always granted Marcellus drillers' requests to avoid Act 13's stream buffers<<https://www.google.com/url?q=http://stateimpact.npr.org/pennsylvania/2014/01/16/dep-always-granted-marcellus-drillers-requests-to-avoid-act-13s-stream-buffers/&ct=ga&cd=&cad=CAI&usg=AFQjCNF4IQFbLAnpJF8tF2aS8AgH3FO8kQ>> The state Department of Environmental Protection (DEP) says it has never denied a request by a Marcellus shale driller to circumvent the stream setback requirements in Act 13. Parts of the 2012 oil and gas law were struck down by the state Supreme Court last month, including the stream and wetland setback requirements. The court held that since it was so easy for companies to bypass the setback rules, the law violated the environmental rights of Pennsylvanians. At issue was the fact that Act 13 allowed the DEP to waive the setbacks, as long as a company submitted a plan showing it would take adequate measures to protect waterways. DEP's Deputy Secretary for Oil and Gas Management, Scott Perry, says although the department has never denied a waiver request from a Marcellus driller, it has worked cooperatively with companies to protect waterways. We've been able to modify where well sites were able to go, he tells StateImpact Pennsylvania. We've been able to strengthen erosion and sediment control plans and other pollution and prevention control plans. Perry believes Act 13 gave the DEP the ability to enforce the setbacks and did not require the department to automatically approve waiver requests from drillers.

We've always interpreted that law to give us the authority to deny [waiver requests], when appropriate, he says. The setbacks, which were struck down by the court, required unconventional gas wells to be at least 300 feet from streams and wetlands, with the edge of the well site at least 100 feet away. According to the DEP, the number of companies seeking to avoid the setbacks was relatively small. Last year, 74 unconventional gas well sites received DEP waivers. Those sites contained 147 individual gas wells a small fraction of the roughly 3,000 well permits issued by the department in 2013.

HARRISBURG PATRIOT NEWS

Letter: Beware tricks and traps when you pick your electricity supplier:

<http://www.pennlive.com/opinion/index.ssf/2014/01/beware_tricks_and_traps_when_you_pick_your_electricity_supplier.html> Consumers beware! Pennsylvania consumers have the option to choose their supplier of residential electricity. Some suppliers offer a fixed rate for each kilowatt hour of energy used while others offer a variable rate. Various providers offer a fixed rate with a specific term that remains valid for several years. Some charge a substantial cancellation fee to switch to another supplier. During February 2013, I received an offer from a supplier with an Introductory Variable Rate of \$0.0629 per

kilowatt hour. Unfortunately when I switched to that provider, I did not pay attention to the words introductory variable rate. For the first two months the rate they charged was \$0.0629. Then two months later, their rate rose to \$0.0898 cents. Three months after that, it rose to \$0.1365 per kWh. The next month it was \$0.1516 cents. Their rate for December 2013 was \$0.1455 cents. With the additional charges added by PP&L Power, my parent electricity provider, my bill for December was an outrageous \$425.06.

Letter: Commentary: Corporations get freedom to spill, while we get spied on<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=45&ved=0CDUQqQloADAEOCg&url=http%3A%2F%2Fwww.pennlive.com%2Fopinion%2Findex.ssf%2F2014%2F01%2Fwest_virginia_chemical_spill_is_cost_of_less_government.html&ei=5CLZUoexBO_IsAT6oYLgCQ&usg=AFQjCNH6zi7kQ6ZGQGMEEVdiexEeNok1OA&sig2=nA_ETntmbrfaFrDxj-qR8A&bvm=bv.59568121,d.cWc> The chemical disaster that poisoned the water in nine West Virginia counties is the latest spawn of poor regulation and self-imploding infrastructure. Rigorous chemical testing and timely inspection of hazardous facilities fall flat given across-the-board cuts to environmental agencies. Ask for less government and at times you will find yourself staring into a brew of green, smelly liquid. In this proud era of personal responsibility, I recommend presenting polluters with a check for their entire fiasco: the FEMA costs, the National Guard expenses, lost revenues within the community, all right down to the bill for each bottled water. Why should taxpayers and small businesses support bailouts for criminal acts?

WASHINGTON OBSERVER-REPORTER

Townships respond in Act 13 case<https://www.google.com/url?q=http://www.observer-reporter.com/article/20140116/NEWS01/140119508&ct=ga&cd=&cad=CAI&usg=AFQjCNGplTVdWrRI9k8DYXVZucQK_FQboQ> Local townships are asking the Pennsylvania Supreme Court to not reconsider its opinion that struck down key provisions of the state's Act 13 case. Seven municipalities, including Robinson, Mt. Pleasant, Cecil and Peters townships, formally responded Wednesday to a request made by the state Department of Environmental Protection and Public Utility Commission to rehear the case. Both the PUC and DEP argued the court should consider more evidence after it ruled in December that parts of Act 13 were unconstitutional. The municipalities countered state agencies had no compelling reason for rearguing Act 13, which governs oil and gas drilling in Pennsylvania. They also argued in the 15-page document the court's decision was never based on factual evidence because it was purely a legal determination. From the beginning, the question was one of law, said David Ball, a plaintiff in the case as both an individual and councilman for Peters Township. We challenged the law as being unconstitutional, and the court ruled that segments of the law were unconstitutional. I don't know how much clearer it really gets than that. Municipalities submitted about 150 evidence exhibits throughout the case hearings, but those facts were never disputed by the agencies, Ball said. In addition, the agencies did not submit any of their own documents supporting their case. Ball and others argued that while those supplementary materials were provided to the court, that evidence was not the basis from which the court reached its opinion. Neither the Commonwealth Court nor this court required factual findings to conclude that statutory language allowing heavy industrial activity next to homes, schools and sensitive natural resources without consideration of local conditions and preventing municipalities from ameliorating adverse impacts violated the people's inherent rights as guaranteed under the Pennsylvania Constitution, read the response. In the document, municipalities also pointed to the fact that Attorney General Kathleen Kane never sought reargument of the case, even though it is her duty to defend the constitutionality of all laws passed by the General Assembly. The appellees wrote that, By contrast, the DEP is charged with protecting this commonwealth's environment, yet rather than defend its fiduciary duties, agencies seek to undermine their constitutional role. The municipalities said the Supreme Court, as the highest court in the state, needs to put its foot down

WASHINGTON, D.C.

WASHINGTON POST

Blog: On Leadership: On running the

EPA<<http://feeds.washingtonpost.com/c/34656/f/636653/s/35fcc51a/sc/1//0L0Swashingtonpost0N0Cblos0Con0Eleadership0Cpost0Con0Erurning0Ethe0Eepa0C20A140C0A10C160C0Aadcd29c0E7ebe0E11e30E97d30Eb9925ce2c57b0Iblog0Bhtml0Dwprss0Frss0Ifederal0Igovernment/story01.htm>>

<<http://www2.epa.gov/aboutepa/deputy-administrator-bob-perciasepe>>Robert Perciasepe is the deputy

administrator of the Environmental Protection Agency (EPA) and for a time served as acting administrator. Prior to joining the Obama administration, he was chief operating officer of the National Audubon Society, held environmental posts in the Clinton administration and served as Maryland's secretary of the environment. He speaks here about managing the EPA with Tom Fox, a guest writer for On Leadership and vice president for leadership and innovation at the nonprofit Partnership for Public Service. Fox also heads up their Center for Government Leadership.

Q. What is your leadership style?

A. I have a great sense of humor, and I use my sense of humor to put people at ease. In government, particularly, you have to be open and hear what people have to say. And you have to make sure people feel comfortable going through the pros and cons of whatever policies you're working on. My leadership style is to bring out the best in people, and that's what I think about when I sit down at a meeting—how am I going to make everyone feel comfortable and talk about what we really need to talk about?

Federal employment dropped again in December, capping year of loss<<http://feeds.washingtonpost.com/c/34656/f/636687/s/35fdd92e/sc/8//0L0Swashingtonpost0N0Cblos0Cfederal0Eeye0Cwp0C20A140C0A10C160Cfederal0Eemployment0Edropped0Eagain0Ein0Edecember0Ecapping0Eyear0Eof0Eloss0C/story01.htm>> The federal government continued shedding jobs last month, losing another 2,000 workers for a total decline of nearly 80,000 employees in 2013, according to the latest Bureau of Labor Statistics data<<http://bls.gov/news.release/empsit.t17.htm>>. The shrinkage in the federal workforce last year contrasts with consistent growth in the private sector, which showed an increase of 2.2 million new jobs for the year, including 87,000 new positions in December. Despite losing workers over the past several years, the U.S. Postal Service actually boosted the net federal number last month by adding 2,200 employees. Without those gains, the government loss rises to 4,200 workers for December. For more comparisons relating to federal employment, check out this previous Federal Eye article<<http://www.washingtonpost.com/blogs/federal-eye/wp/2013/12/06/federal-workforce-declines-even-as-overall-jobs-picture-improves/>> on the trends during 2013.

DELAWARE

WILMINGTON NEWS JOURNAL

EPA tries to map a toxic legacy on and under Metachem

site<<http://www.delawareonline.com/article/20140117/NEWS08/301170031/EPA-tries-map-toxic-legacy-under-Metachem-site>> Snow flurries rode a faint chemical breeze across Red Lion Creek marsh near Delaware City on Thursday as Environmental Protection Agency contractors maneuvered a sediment probe across cold muck and crackling reeds. The labor, science and mothball-like aromas were legacies of the Standard Chlorine/Metachem debacle, a 2002 chemical plant bankruptcy that followed years of spills, loose regulation and illegal operations that left state and federal taxpayers with a cleanup bill last estimated at \$100 million. It is a number that could push higher, even after a dozen years of government control and study, as efforts to locate and measure contamination and nail down new cleanup and containment strategies for soil and groundwater continue. A separate agency, the U.S. Geological Survey, is assisting, while also mapping threats to a deep aquifer, the Potomac, used for public utility drinking water wells to the north and south. It's a highly complex site. I think all Superfund sites are, but this, given the nature of the contamination we have and the volume of contamination, has been complex from Day One," said Brad White, the EPA's remedial project manager. David Carter, conservation chairman for Delaware Audubon Society, said the costly exercise proved the value of Delaware's ban on new heavy industry in the Coastal Zone, and the public stakes in discussions about stretching or amending the conservation law for jobs and economic development. The brutal reality is that we do not currently have the technology, knowledge, and/or financial resources to adequately clean up this toxic industrial site," Carter said. Under such circumstances, the proposed cures may come at risk of being worse than the damage done. White said Thursday that the EPA is wrapping up weeks of sediment sampling, at 80 different spots near the creek, to help scientists figure out what, if any, method to use for decontaminating about 30 acres of wetlands and adjacent areas where chlorinated benzenes spilled into the landscape.

Soot monitoring device removed at PBF refinery

<<http://www.delawareonline.com/article/20140117/NEWS08/301170035/Soot-monitoring-device-removed-PBF-refinery>> A citizen-led, state-subsidized air quality monitoring project focused on the Delaware City Refinery abruptly broke down Thursday after a refinery call for the unscheduled removal of a state-owned testing device. Department of Natural Resources and Environmental Control officials declined comment on the episode beyond describing it as an active investigation. But Stephanie Herron, volunteer and outreach coordinator for the Sierra Club Delaware chapter, said the refinery was behind the removal of the equipment, which had been fitted with a filter to measure soot levels over a 24-hour period. DNREC police called our project coordinator and told them that they have the monitor because the refinery contacted them and told them to come take it down, Herron said, adding that they had been told that a trespass complaint was a possibility. They said they're not going to return the monitor, which is especially strange because DNREC owns it in the first place. Michael C. Karlovich, a spokesman for PBF Energy, the refinery's owner, said the episode was a routine activity. It's part of securing our property. Our security guard questioned a local activist who was hanging a box with unknown contents on a utility pole on our property. We notified DNREC and they responded. We understand that DNREC officers removed the device. We have not been contacted by any authorities regarding charges, he said. Karlovich declined to say if the refinery would have allowed the sampling to go forward had the organization requested access in advance, saying it was speculative. Sierra Club and a coalition of Delaware City residents have received small state grants, as well as training assistance from California-based Global Community Monitor, for citizen-managed air sampling work. The project includes use of one-time air grab containers first deployed extensively in disadvantaged community campaigns near Gulf Coast refineries and chemical plants. Some past citizen findings have gotten chilly responses from DNREC and the refinery. In 2012, state officials said that results attributed to the refinery might have been skewed by emissions from the refinery's nearby offloading dock, or by traffic or household activities.

DELAWARE CAPE GAZETTE

DNREC sued over carbon emission reduction<<http://capegazette.villagesoup.com/p/dnrec-sued-over-carbon-emission-reduction/1100303>> Georgetown A Delaware think tank and several businesses are taking DNREC to court, alleging the agency is illegally increasing permit fees. The plaintiffs say Delaware Department of Natural Resources and Environmental Control Secretary Colin O'Mara illegally lowered caps on carbon emissions and unlawfully raised fees for companies that pay the department an allowance to produce carbon emissions as part of daily operations. The allowance allows a company to produce a ton of carbon. O'Mara says the increase in the cost of the allowance was legal and necessary to reduce greenhouse gas emissions. In December 2005, Delaware and several surrounding states announced an agreement to implement the Regional Greenhouse Gas Initiative, aimed at reducing carbon dioxide in the atmosphere by capping emissions and over time lowering the cap. The agreement called for a review of the program in 2012. Delaware formally defined its participation in the initiative June 30, 2008, through an act of the 144th General Assembly, Senate Bill 263. The bill stipulates all proceeds from the sale of CO2 allowances must be used for public benefit, such as the Delaware Sustainable Energy Utility, which develops renewable energy technologies. The revenues can also go to programs designed to help low-income ratepayers, to a Greenhouse Gas Reduction Program, and to DNREC for administration of the program. SB 263 also authorizes the DNREC secretary and the chair of the Public Service Commission to implement the initiative. On Nov. 19, O'Mara issued a secretary's order lowering the emission cap and raising the cost of allowances that electric companies must purchase in exchange for each ton of carbon dioxide they emit. In his order, O'Mara said the amendments resulted from the 2012 review and include a 45 percent reduction in the previous carbon emissions cap equal to more than 90 million tons beginning in 2014. Another amendment puts some of the CO2 allowances, of which there is a limited number, on reserve. The reserves would become available when the cost of allowances, which are sold through auction, gets too high a measure state officials say will prevent spikes in utility costs. O'Mara said he expects electric consumers to see no discernible change in their electric bill as a result of the amendments. Proceeds from the initiative are being reinvested into the development of more efficient energy production, which is lowering costs to consumers, he wrote.

No coyotes taken during first week of season<<http://capegazette.villagesoup.com/p/no-coyotes-taken-during-first-week-of-season/1100958>> No reports of coyotes being shot were filed during the first week hunting coyotes was allowed in Delaware. The bottom line is that there is not a cornucopia of coyotes to

choose from in Delaware, said Division of Fish and Wildlife Director Dave Saveikis. While a specified coyote hunting and trapping season has been determined, under new state regulations, landowners or their agents are permitted to shoot coyotes on their property at any time during the year. The state has established a hunting season from Sept. 1 to the last day of February and a trapping season from Dec. 1 through March 10. Public hearings delayed the start of the first season, which officially got underway Jan. 11; after Feb. 28, the season will commence again in September. Any coyote taken before Jan. 11 was taken illegally, Saveikis said. These new wildlife regulations are based on modern wildlife management science, with the coyote hunting and trapping seasons designed to manage the coyote population at biologically and socially acceptable levels, Saveikis said. The combination of coyote hunting and trapping seasons to manage the coyote population and the secretary's order authorizing landowners to protect themselves and their property from coyotes provide the tools needed to address Delaware's relatively small coyote population.

WEST VIRGINIA

CHARLESTON GAZETTE

Freedom breaks silence, blames leak on

freeze<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=68&ved=0CD8QqQloADAHODw&url=http%3A%2F%2Fwww.wvgazette.com%2FNews%2F201401160158&ei=3CfZUrbDJOrMsAT6nIDQCA&usg=AFQjCNHaj2YOf1-Tqt8pjR1oeR_NScM6aQ&sig2=81Z4Swl-G5GACHDcq4U6-Q&bvm=bv.59568121,d.cWc> CHARLESTON, W.Va. -- Nearly a week after Freedom Industries last spoke publicly, the company broke its silence Thursday evening, proposing a theory that its "Crude MCHM" chemical leak was caused, in part, by a broken water pipe uphill from its property, according to a source close to the company who demanded anonymity. The source said water from the broken pipe flowed under the tank farm, then froze during the recent cold temperatures and expanded, puncturing the tank from below. "It looks like somebody took a sharp object and stuck it through the bottom," the source said. He said that even though the tanks were surrounded by a concrete retaining wall, they were sitting on gravel, so the chemical leak seeped through the gravel, into the ground and under the wall. State officials have described the retaining wall as shoddy and in need of repair. A representative with the Chemical Safety Board, which is inspecting the site, said Thursday that the tank sits on a concrete pad and the soil that surrounds the pad. West Virginia American Water replaced a leaking water line along Barlow Drive on Tuesday and Wednesday, according to a water company spokeswoman. Barlow Drive is where Freedom's tank farm is located. The leak of Crude MCHM, a coal-processing chemical, contaminated the Elk River and the drinking water of 300,000 residents of the Kanawha Valley. The Freedom source also attributed blame to what he called a very old terra cotta culvert that runs beneath Freedom's property and helped provide an avenue for the water to collect beneath the tank. "No one is saying that this is absolutely how it happened," he said, "but there are photos of the inside of the tank that clearly show the upward puncture." The first West Virginia Department of Environmental Protection inspectors who arrived on the scene of the leak last Thursday described seeing a 400-square-foot pool of liquid at the base of the tank. They said a 4-foot wide stream of the liquid was flowing across the bottom of the containment dike and that the flow disappeared right at the point where the dike's wall connected to its floor. They said pressure from the leaking chemical created an "up-swelling," like a fountain of chemical coming up from the pool.

Editorial: State failed to protect citizens<<http://wvgazette.com/rssFeeds/201401150130>> CHARLESTON, W.Va. -- The decrepit Freedom Industries tank farm beside Elk River hadn't been visited by state inspectors since 1991 -- almost a quarter-century ago -- before it tainted the water supply of 300,000 West Virginians. Why? What's wrong with the state's public protection systems? Are laws inadequate to deal with industrial dangers? Is enforcement slipshod? Charleston reformer lawyer Jim Lees wrote Wednesday: "For the past decade, I have watched politician after politician in West Virginia bow down to industry-led efforts for less regulation and less oversight -- Jay Rockefeller being the exception." Lees said West Virginians deserve safe drinking water, just like all other Americans. And it's up to state leaders to impose controls to guarantee it. Amen. Time after time, the U.S. Chemical Safety Board urged West Virginia to adopt an "audit" system in which teams of independent health and safety experts examine plants and facilities to spot threats. But the proposal was ignored. Why? Rep. Shelley Capito, R-W.Va.,

said Tuesday she supports the audit plan. Other West Virginians in Congress are working on federal safeguards. Sen. Joe Manchin wants U.S. regulators to rate the health danger of 84,000 less-known chemicals. "My God," he said, "you've got thousands and thousands of products that have come online that are totally, you know, unevaluated." Gov. Tomblin says he's working with Department of Environmental Protection Secretary Randy Huffman to draft new safety plans. It's too bad that it took a public crisis to prod officialdom into action -- but we're glad it's finally happening. Protecting West Virginians from this sort of menace should be the top priority of the 2014 Legislature.... This huge headache is a wake-up call for the Legislature to make major reforms in safeguards to protect West Virginians.

Federal lawsuit claims company hid chemical's cancer-causing effects<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=44&ved=0CDIQqQloADADOCg&url=http%3A%2F%2Fwww.wvgazette.com%2FNews%2F201401160113&ei=5CLZUoexBO_IsAT6oYLgCQ&usg=AFQjCNFUTQnKbjs68O_4D7MSD3BaXSruqg&sig2=sH3-CWo0xxnR0-4Q9_DORg&bvm=bv.59568121,d.cWc> CHARLESTON, W.Va. -- A federal lawsuit against the company that makes the chemical that leaked into the Elk River and left thousands of West Virginians without water for more than a week claims the company hid evidence that the chemical causes cancer. The lawsuit filed against Eastman Chemical Company, which makes 4-methylcyclohexane methanol, known as "Crude MCHM," claims the company ignored studies that prove the dangers of the chemical. An Eastman spokeswoman says that's not true and studies generated by the company prove the chemical doesn't cause cancer. The lawsuit was filed this week on behalf of businesses shut down for days with no water and by residents who claim they were exposed to the water. Plaintiffs are also suing West Virginia American Water, Freedom Industries and its director of operations, Gary Southern. As of Thursday, more than 20 lawsuits had been filed in Kanawha Circuit Court on behalf of businesses and West Virginia American Water customers. The federal lawsuit is the only suit that names Eastman, however. Crude MCHM, a chemical used in the coal preparation process, was spilled by Freedom Industries, a chemical distributor on Barlow Drive just upriver from the water company's intake on Jan. 9. Material safety data sheets provided by Eastman, based in Kingsport, Tenn., ignore "extensive scientific information known showing the risks of the chemical's carcinogenic and highly toxic component parts," the lawsuit states. "4-MCHM is a combination of two very dangerous chemicals known to cause cancer and other effects, but the MSDS sheets issued by the manufacturer, Eastman Chemical Company, ignore and hide the extensive scientific information known showing the risks of the chemical's carcinogenic and highly toxic component parts," the lawsuit states.

Residents visit ERs with water-related complaints<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=110&ved=0CEkQqQloADAJOGQ&url=http%3A%2F%2Fwww.wvgazette.com%2FNews%2F201401150044&ei=Pi7ZUqT-JubJsQTy0oG4DA&usg=AFQjCNFOQn44cnbX1FVh9bNocweOdv4h0g&sig2=iQeQoat54H1Yzc76j4AJnQ&bvm=bv.59568121,d.cWc>> CHARLESTON, W.Va. -- Shane Casdorff held out as long as he could before he finally took a shower Tuesday evening. West Virginia American Water officials told his family they could use the water at their house in Kanawha City on Monday afternoon, but the licorice smell from last week's chemical leak was even stronger after they flushed their pipes longer than recommended. Despite its cool temperature, the water Casdorff used made his skin feel hot after a four- or five-minute shower, he said. "My ears were burning," said Casdorff, 24. "I've got red places on my feet and back and a red rash on my back." Casdorff said he was hesitant to use the water at all because his mother had become sick the day before after she showered in it, although he said that might be because of a stomach virus. "I don't feel sick or anything," he said. "I've eaten. I don't feel bad." Now, Casdorff said, he wishes the water company had waited a while longer before allowing people to use the water again.

Pediatrician: Young children shouldn't drink the water<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=43&ved=0CDAQqQloADACOCg&url=http%3A%2F%2Fwww.wvgazette.com%2FNews%2F201401160128&ei=5CLZUoexBO_IsAT6oYLgCQ&usg=AFQjCNEW1oDpqY2W96u3dvkFX1k00KJL3A&sig2=-5fFeGR_wKF1-nC-jjkENg&bvm=bv.59568121,d.cWc> CHARLESTON, W.Va. -- If pregnant women shouldn't drink the tap water until the chemical that spilled into it last week is gone, neither should small children, a pediatrician told the Kanawha Charleston Board of Health on Thursday. Dr. Raheel Khan, of the West Virginia chapter

of the American Academy of Pediatrics, asked the health board at its regular meeting why a recommendation that pregnant women not drink the water while there are traces of Crude MCHM in it be extended to include children under 3 years old. Small children drink proportionately more water than adults, said Khan, who is also an associate professor of pediatrics at the Charleston division of West Virginia University School of Medicine. "The risk is that they might get more of the chemical as opposed to adults by proportion," Khan said. "Since the CDC came out with this recommendation for pregnant women ... shouldn't we be extending this precaution to younger kids who are equally vulnerable?" Officials with the federal Centers for Disease Control and Protection came out with the recommendation that pregnant women not drink the water on Wednesday night, but said Thursday that recommendation was made out of an "abundance of caution," and that it did not apply to breastfeeding mothers, infants or children. West Virginia American Water, using guidelines from the CDC, has lifted the "do-not-use" orders in zones after the levels of Crude MCHM -- the chemical spilled by Freedom Industries into the Elk River last week -- fell below 1 part per million.

Expectant moms worry about tainted

water<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=73&ved=0CDIQqQloADACOY&url=http%3A%2F%2Fwww.wvgazette.com%2FNews%2F201401160100&ei=uynZUpemOqvMsQSw0ICABw&usg=AFQjCNFsec9p-KQXzgg5mEbjQSY9Q5wokQ&sig2=bQBHPRoSco37ZpexvoENhw&bvm=bv.59568121,d.cWc>>
CHARLESTON, W.Va. -- Monica Wieland had been very careful not to do anything that could potentially harm her unborn son. Wieland, 41, of Charleston, is seven months' pregnant with her first child, a little boy she'll call Nicholas, due in late March. She's avoiding certain foods. She also doesn't wear makeup or use medicated lotions or shampoos because of potential chemical exposure. She opts for as many natural health and beauty products as she can. Since the chemical spill last week into the Elk River and the West Virginia American Water supply lines, she hasn't been drinking tap water, either. According to a recent advisory from the federal Centers for Disease Control and Prevention and the West Virginia Bureau for Public Health, that's a good thing.

United Way water crisis fund now taking online

donations<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=29&ved=0CEIQqQloADAIOBQ&url=http%3A%2F%2Fwww.wvgazette.com%2FNews%2F201401160103&ei=EyLZUu6oOdHmsASC9IDACw&usg=AFQjCNEtBE17n_QZ2Yn_wf0tjatMrgCQvA&sig2=U8FpnhBb0cXimq3oFFvFTw&bvm=bv.59568121,d.cWc>
CHARLESTON, W.Va. -- The United Way's West Virginia Emergency Fund is now able to accept donations through its website. Donors can visit www.unitedwaycwv.org and click the "West Virginia Emergency Fund" icon on the home page. The fund was established this week in response to the economic impacts of the recent Elk River chemical leak. The accident left about 300,000 West Virginians in nine counties without water for nearly a week, and some people were still under the "do-not-use" ban Thursday. The United Way wants to help those in the service sector who have lost part of their income after many restaurants, stores and hotels were forced to close, according to president John Ballengee. The fund will be similar to other utility aid funds, and will be available to help workers with water, sewage, electric, gas and other household bills, and applicants will need to prove their employment status and that they lost work during the crisis.

CHARLESTON DAILY MAIL

Commentary: Freedom Industries could use PR

advice<<http://charlestondailymail.com/rssFeeds/201401150221>>
CHARLESTON, W.Va. - Last week's Freedom Industries chemical spill was an entirely preventable disaster. While the regulatory, civil and criminal investigations will likely take some time to unfold, local businesses need to use this event as a lesson for how they should and should not act if - Heaven forbid - they ever need to communicate with the public during a crisis. Freedom Industries exacerbated a public health disaster by throwing a public relations disaster on top of it. I thought I'd go back to my old journalism school PR textbooks and review the lessons corporations should follow to better manage a crisis:

Residents weather long wait for

water<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=49&ved=0CEAQqQlo>

ADAIOcg&url=http%3A%2F%2Fwww.charlestdaily.com%2FtopStories%2FNews%2F201401160209&ei=5CLZUoexBO_IsAT6oYLgCQ&usg=AFQjCNE91pqdNI4IGHXZq-_wyowACnHtkQ&sig2=9ZFyvAjaljF8obONJqPQuQ&bvm=bv.59568121,d.cWc> CLENDENIN, W.Va. -- West Virginia American Water's safety status map has turned from red to blue for most of the 100,000 customers affected by the chemical spill. In the communities where water has still not been cleared for use, residents' optimism and patience is slowly giving way to frustration as they prepare for a eighth day of gathering or finding water from places other than their faucets. Clendenin, a quiet town of about 1,200 people nestled 20 miles upstream on the Elk from the site of the spill, is on the extreme northeastern end of the area served by the water company's Charleston treatment plant. Residents there are starting to realize they may be the last ones to get clean water running through their pipes again. Cars steadily streamed through the Clendenin Volunteer Fire Department Thursday afternoon, picking up cases of water and filling up their buckets. Firefighters, townspeople, even a 9-year-old boy helped distribute what has become the Kanawha Valley's most sought-after natural resource. "Since last Friday, I'd say almost a million (bottles). I'm being dead serious," volunteer firefighter Josh Thomas laughed as he took a short break, resting himself upon a pallet of cases of water. "The other day they had a truck with a hundred and eighty-some thousand on it."

More than half of affected water customers see 'do not use' ban lifted<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=60&ved=0CEYQqQloADAJODI&url=http%3A%2F%2Fwww.charlestdaily.com%2FNews%2FPutnamCounty%2F201401150014&ei=hCTZUp7KNoflsATOo4CYBQ&usg=AFQjCNHWd8liLWYQR5VI8qRyb07R-jV5WQ&sig2=hNEywEZ7Zbtmrg-HUYS2Q&bvm=bv.59568121,d.cWc> Charleston, W.Va. -- More than half of West Virginia American Water Co. customers who were told not to use their tap water for much of anything in response to a chemical spill last week are able to start trying the process of flushing out their pipes. As of Wednesday evening, 51,600 customers had been lifted from the do-not-use order. About 100,000 customers - roughly 300,000 people - were under the order when it was issued Jan. 9. Although more areas were cleared to start flushing Wednesday morning, there was another long delay in the water company allowing other sections to start the process. About 7 p.m. Thursday, the water company posted an apology on its Facebook page. "We are sorry the next order lift is taking so long," the post states. "The ban is being lifted in a strict, methodical manner to help ensure the water system is not overwhelmed by excessive demand, thereby causing more water quality and service issues. Thank you again for your continued cooperation." It's been at least a week since crude MCHM leaked from a storage container at a site owned by Freedom Industries. Officials believe as much as 7,500 gallons of the chemical seeped through a hole in the tank Thursday morning. An unknown amount leaked through an old concrete block wall and into the Elk River. West Virginia American Water has a treatment facility about 1.5 miles downstream from the spill. Company President Jeff McIntyre has said the chemical overwhelmed the system's filters by 4 p.m. Jan. 9, leading to the do-not-use advisory and later a state of emergency declaration from Gov. Earl Ray Tomblin. Laura Jordan, water company spokeswoman, said early Wednesday two new areas were cleared since Tuesday night.

Kanawha stops bulk distribution, says some tankers could have been contaminated<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=77&ved=0CD0QqQloADAGOEY&url=http%3A%2F%2Fwww.charlestdaily.com%2FNews%2Fstatenews%2F201401160098&ei=uynZUpemOqvMsQSw0lCABw&usg=AFQjCNH2xNSY4Ar76VQEgzZZT3khJLc68w&sig2=i2ANoUy6QUOzb8i4L08Ydg&bvm=bv.59568121,d.cWc> Charleston, W.Va. -- Saying they weren't sure where the water came from, Kanawha County officials ordered the removal of all bulk water containers from distribution sites Thursday evening. County Manager Jennifer Sayre said West Virginia American Water Co. told county officials some of the bulk containers might have been filled at the Charleston treatment plant. "We received complaint calls about an odor when people went to use the bulk containers," Sayre said. She said the county has conflicting information on where the tankers were filled and that only when county officials called the water company were they told that some might have been filled at the Charleston water treatment plant. "We were not aware they were being filled at the treatment plant," Sayre said. "We were told they were being filled at another system that was not involved in this water situation. "When we received the complaints that there was a smell, then we relayed the question to the water company and that's when we were told they were deciding to pull them back." She did not know the last time the bulk containers, which most recently were stationed at Crossings Mall in Elkview and

Riverside High School in Quincy, were filled. Laura Jordan, water company spokeswoman, said the situation with the county was a "big miscommunication." She said the company would refill the tankers and continue to work with Kanawha County to determine whether the tankers are still needed.

Putnam officials praise crisis

response<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=53&ved=0CDEQqQloADACODI&url=http%3A%2F%2Fwww.charlestondaily.com%2FNews%2FPutnamCounty%2F201401150026&ei=hCTZUp7KNoflsATOo4CYBQ&usg=AFQjCNEyNTePzZcPogrNT3GFcgFIEYOVVQ&sig2=yTnb68j8x0C9koSZScA9Hw&bvm=bv.59568121,d.cWc>> WINFIELD, W.Va. - Poca High School was the second-largest water distribution point during the crisis that started last Thursday. About 100,000 West Virginia American water customers in nine counties couldn't use tap water for anything but flushing toilets or fighting fires because of a chemical spill. Putnam Emergency Services Director Frank Chapman said the Putnam County high school handed out more water bottles and filled more containers than any site other than the Charleston Civic Center. The report came during the Putnam County Commission's regular meeting Tuesday morning. The only problem Chapman reported was a miscommunication about the number of customers affected in Hurricane. "Originally our understanding was there were only about 40 residents involved," Chapman said. "(Friday) we find out we have close to 1,000 residents that were affected, because it affected everything on (U.S.) 60. Once we found that out, we started working with the fire department and shipping water." The confusion came because some Hurricane residents are billed through different utilities or live outside city limits Chapman said that otherwise the response to the disaster has been smooth and efficient.

Water ban lifted for nearly 20000 overnight

Wednesday<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=54&ved=0CDQqQloADADODI&url=http%3A%2F%2Fwww.charlestondaily.com%2FtopStories%2FNews%2F201401160030&ei=hCTZUp7KNoflsATOo4CYBQ&usg=AFQjCNEqEOvO9M8zGhvQITmTjo9-fkARvg&sig2=sXQT53addpLFo4bPn6tqBg&bvm=bv.59568121,d.cWc>> West Virginia American Water lifted nearly 20,000 customers from the do-not-use order overnight Wednesday. Laura Jordan, external affairs manager for West Virginia American Water, said 69,000 customers served by the Charleston water treatment plant now have safe tap water. These latest water restorations come nearly a week after West Virginia American Water issued its largest do-not-use order in its history - an order that about 30,000 customers are still following as officials continue to test water throughout the water company's 1,500 miles of affected pipeline. The order was lifted for 4,200 customers in southeastern parts of Kanawha County at 10:30 p.m. Wednesday night, including Marmet, Belle, Chesapeake, Cabin Creek, Pratt and Paint Creek. An additional 1,000 customers were given the green light at 11 p.m. Wednesday in smaller, isolated areas, including Eagle View, Beacon Ridge and Yeager Airport. Two hundred customers in the Mount Alpha and Lower Donnally areas of Charleston were lifted from the order at 12:40 a.m. Thursday, and an additional 13,000 customers were lifted as of 6:55 a.m. Thursday in areas including, Culloden, Hamlin, Cross Lanes, Poca and Nitro, as well as all Boone County customers.

HUNTINGTON HERALD DISPATCH

Spill diluted by Ohio

River<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=35&ved=0CDkQqQloADAEOb4&url=http%3A%2F%2Fwww.herald-dispatch.com%2Fnews%2Fbriefs%2F1781483368%2FSpill-diluted-by-Ohio-River&ei=kyLZUrOcBefMsQTnqYDABA&usg=AFQjCNFaIT2Q2YE7mJqfBJ85Dq-Q1rd4IA&sig2=ETXq4JoW_SpTp4jpf5i-g&bvm=bv.59568121,d.cWc> HUNTINGTON -- Samples taken Thursday in the Cincinnati area showed that traces of the West Virginia chemical spill continued to flow down the Ohio River without reaching problem levels. The Greater Cincinnati Water Works shut down river intakes late Tuesday night in anticipation of tainted water arriving from the Elk River spill last Thursday. Monitoring initially showed levels well below what would have been considered unsafe, and officials said Thursday the latest tests showed the tainted water had passed through the area. Water officials in Louisville, Ky., expected the residue, or plume, from the chemical spill to reach there by Friday morning, but they said the chemical will dilute further and can be adequately treated by their facilities. They didn't expect to shut off intake valves. The plume of 4-methylcyclohexanemethanol (MCHM) passed through Huntington's Ohio River intake on Monday, reaching a peak level of 0.036 parts per million, far below the 1 part per million level that the Center for Disease Control determined to be a potential health

risk. West Virginia American Water did not close its intakes. Levels were even lower in Ashland, Ironton and Russell, although officials there did close intakes.

ASSOCIATED PRESS (W. VA.)

Site of W.Va. spill was subject of 2010

complaint<http://www.philly.com/philly/news/nation_world/20140116_ap_904669b92ffa4edbb78ec5f271e2f183.html> CHARLESTON, W.Va. (AP) - West Virginia inspectors visited the site of last week's chemical spill in 2010 when a nearby resident complained about a strong odor of licorice, the same smell that led officials to the spill Jan. 9, according to documents released Thursday. The company that stores the chemical that leaked into the Elk River and contaminated drinking water for 300,000 people was not cited after the 2010 visit, the documents showed. Robert Keatley, one of the inspectors, said in an email that the odor was not strong enough to merit a citation. Because the site only stored and did not manufacture chemicals, state officials have said it did not need permits to discharge pollutants into the air or water. Previously, the state environmental department said the last inspection report for the site dated to 2001, when it was a refinery owned by a different company and operating under more stringent rules. During the 2010 visit, the inspectors noted the company, Freedom Industries, should file paperwork to see if it needed a permit for the chemical that caused the odor. Freedom submitted it, and it was determined that a permit wasn't necessary, Keatley said.

W.Va. chemical spill company to transfer

chemicals<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=9&ved=0CEQQQqQloADAI&url=http%3A%2F%2Fwww.wetzelchronicle.com%2Fpage%2Fcontent.detail%2Fid%2F441272%2FW-Va--chemical-spill-company-to-transfer-chemicals.html%3Fisap%3D1%26nav%3D5059&ei=iDZUvDqElu_sQTI-ILwBw&usg=AFQjCNE6zCKKcht5uP8iLepX761XZF1TVQ&sig2=F-TbGVdnUPhXJdX3XOYkGA&bvm=bv.59568121,d.cWc> CHARLESTON, W.Va. (AP) The company responsible for a chemical spill that contaminated water in West Virginia will bring in sturdier containment structures after incurring safety violations at a second chemical storage facility. Inspectors ordered Freedom Industries to move all its chemicals to a second facility in Nitro after Thursday's spill in Charleston, which contaminated the drinking water for 300,000 people. But this week, they found five safety violations at the second spot. A report said that like the Charleston facility, the Nitro site's last-resort containment wall had holes in it. To comply with a state order, Freedom will store the Nitro facility's chemicals in double-walled tanks. Department of Environmental Protection spokesman Tom Aluisse expects all material to be transferred by Jan. 23. The Nitro facility isn't on a riverbank. The Charleston one is.

W.Va. House passes business relief bill for

spill<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=10&ved=0CEYQqQloADAJ&url=http%3A%2F%2Fwww.wetzelchronicle.com%2Fpage%2Fcontent.detail%2Fid%2F441241%2FW-Va--House-passes-business-relief-bill-for-spill.html%3Fisap%3D1%26nav%3D5059&ei=iDZUvDqElu_sQTI-ILwBw&usg=AFQjCNFBXZpR8r6YSSf4t4kiJzz4QvF1wA&sig2=kU0iWgCg4D7nCGzjHaMsTA&bvm=bv.59568121,d.cWc> The West Virginia Legislature is fast-tracking a proposal to help small businesses affected by disasters like last week's chemical spill. The House of Delegates on Thursday unanimously passed a bill to give the governor leeway to assist businesses during emergencies. The bill lets the governor set emergency criteria for state agencies to award small business loans and grants, or even waive some taxes temporarily, like the payroll tax. The bill is a quick response to the chemical spill last Thursday that sullied the water supply for 300,000 people. About 70 percent of customers in that water system have received approval to use running water. The House waived its rules to quicken the process. Thursday's vote sends the bill to the Senate. It's unclear when the Senate will take it up

Berkeley Co. authority OK trash-to-fuel project<<http://charlestdaily.com/rssFeeds/201401160026>> MARTINSBURG, W.Va. -- The Berkeley County Solid Waste Authority has approved a proposed \$19 million waste facility that would produce a solid fuel from trash. Media outlets report that the authority plans to sign a lease and easement agreement for the project on Thursday. The county would receive more than \$3.6 million over the agreement's 30-year period. Entsorga West Virginia proposes to build a mechanical-biological solid waste facility that would organize incoming waste without the need for

employees to sort it by hand. John Decker with Apple Valley Waste says Ensortga must obtain permits from the state Department of Environmental Protection, the state Division of Highways and the county before construction can begin. Apple Valley Waste is an investor in the project.

MARYLAND BALTIMORE SUN

Miller, Busch vow no repeal of storm-water fees<<http://feedproxy.google.com/%7Er/B-moreGreen/%7E3/Obv649Wh-cU/story01.htm>> The leaders of the Senate and House of Delegates predicted Thursday morning that lawmakers won't be repealing the stormwater fees in the state's largest jurisdictions this year. At a breakfast hosted by the Annapolis and Anne Arundel County Chamber of Commerce, Senate President Thomas V. Mike Miller Jr. responded to a question about whether the fees would be repealed by saying flatly: "We're not going to repeal the stormwater fee." House Speaker Michael E. Busch then quickly piped up: "Second!" State lawmakers passed a bill two years ago requiring Baltimore City and nine counties to create a fee to raise money for stormwater pollution control projects. The bill left the details up to the counties to decide. Miller has previously voiced concern about the variations in fees charged by the 10 localities and their impact on churches and nonprofit groups. The stormwater fee has been derided as a "rain tax" that's unnecessary and burdensome on homeowners and businesses. The General Assembly is expected to consider a number of bills to modify or repeal the stormwater fee, and it's one of the top priorities of the Republican Party in Annapolis this year. Miller has previously voiced concern about the inconsistency in fees among the localities and the burden they place on churches and nonprofit organizations. Environmentalists support the fee as a way to pay for stormwater projects that are needed to improve the health of the Chesapeake Bay. The 10 jurisdictions required to have stormwater fees hold federal permits that require them to manage their polluted runoff. Two candidates for Anne Arundel County executive -- current executive Laura Neuman and Del. Steve Schuh -- traded barbs over the county's stormwater fees at the chamber's breakfast.

O'Malley shifts funds from land preservation<<http://feedproxy.google.com/%7Er/baltimoresun/news/local/rss2/%7E3/-psCGEbowbs/story01.htm>> Gov. Martin O'Malley's proposed state budget is balanced in part with funds shifted from programs meant to buy parkland and protect farmland from development, according to highlights of the plan released by the governor's office. Conservationists say the move short-changes land preservation, which they note has been a priority of the O'Malley administration. While O'Malley's fiscal 2015 spending plan would increase funding for natural resources and the environment by 1 percent overall, land preservation programs face cuts as tax revenues designated for that purpose are taken to help balance the state's budget.

HAGERSTOWN HERALD MAIL

Spill similar to Elk River incident could have a greater impact in Washington County<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=3&ved=0CDMQqQIoADAC&url=http%3A%2F%2Fwww.heraldmallmedia.com%2Fnews%2Flocal%2Fspill-similar-to-elk-river-incident-could-have-a-greater%2Farticle_e4f40648-7f0f-11e3-b829-001a4bcf6878.html&ei=iDZUvDqElu_sQTI-ILwBw&usg=AFQjCNFNRen2MtW9aLBz1_T-vWesGd0uuw&sig=2GbgV8BYYN8UcK71mBbt5NQ&bvm=bv.59568121,d.cWc> Imagine if a chemical spill occurred in Little Antietam Creek in Washington County. The chemical would reach Antietam Creek, then flow into the Potomac River, contaminating the water supply for a large portion of the county, and eventually affecting neighboring counties in Maryland, West Virginia and Virginia that use the Potomac River as a water source. A recent chemical spill in the Elk River in West Virginia contaminated the water supply for as many as 300,000 state residents. Such a spill in even the smallest creek in Washington County could have an equal or greater impact depending on the contamination, according to local and state environmental officials. The county is part of the Potomac River watershed, and the river is a source of water for various counties and towns as it flows downstream. People need to develop a higher level of appreciation for our water resources, said Curtis Dalpra of the Interstate Commission on the Potomac River Basin. People should be aware of their water. However, Dalpra said that the impact of such a spill would depend on what spilled and how much. A spill of oil is, by far, going to be different than a spill of sewage, he said. In Washington County, the Potomac River is a water source for the town of

Sharpsburg, the city of Hagerstown and the area around Hagerstown, said Julie Pippel, direction of the county Division of Environmental Management

VIRGINIA

RICHMOND TIMES-DISPATCH

Center for Environment taking applications for summit for high schoolers<http://www.timesdispatch.com/news/state-regional/center-for-environment-taking-applications-for-summit-for-high-schoolers/article_f5c9e1fe-b589-58fd-b672-2f37893e80e8.html> The Center for the Environment at Catawba College is accepting applications for its fourth annual national environmental summit for high school students, scheduled for July 8-12.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

Senate Climate Change Caucus Holds Inaugural

Meeting<http://news.bna.com/deIn/display/link_res.adp?lt=email&fname=a0e5c8a0k9> Senators in a new caucus that aims to push for action on climate change and defend President Obama's efforts on the issue meet for the first time to discuss strategy, including some possible legislative initiatives. Sen. Boxer tells Bloomberg BNA that while members of the caucus did discuss how to defend against Republican attacks on the EPA's efforts to limit power plant greenhouse gas emissions, the inaugural meeting was mostly about offense.

GREENWIRE

CLIMATE: Senate Republicans press EPA chief on legality of power plant

proposal<<http://www.eenews.net/greenwire/stories/1059993067/feed>> Senate Republicans tried at a hearing today to poke holes in the legal underpinnings of U.S. EPA's proposal for curbing heat-trapping carbon dioxide emissions from future power plants. Senate Environment and Public Works Committee ranking member David Vitter (R-La.) and Sens. James Inhofe (R-Okla.) and John Barrasso (R-Wyo.) pressed EPA Administrator Gina McCarthy with questions they said the agency failed to answer before proposing its power plant rule. EPA acted by "administrative fiat" in moving to regulate CO2 under the Clean Air Act and crafted a proposal that oversteps boundaries set by other laws, including the 2005 Energy Policy Act (EPAAct), the senators said. The energy law, Vitter said, bars EPA from basing air pollution standards on technology demonstrated only at plants receiving federal financial assistance. The power plant proposal published last week in the Federal Register relies heavily on three carbon capture and storage (CCS) projects that received Energy Department funding. EPA is offering those projects as examples of why CCS is ready for utility use. "How did the EPA miss this?" Vitter asked. McCarthy said EPA sent the White House Office of Management and Budget additional information this morning that would clarify how the power plant proposal interacts with the EPAAct prohibition. "We believe that having this specific consideration with EPAAct makes no change with the standard as it is proposed," she said. "But it's important that the public have this information, have us provide more clarity on this issue."

CLIMATE: McConnell gambit aims to stop just-proposed EPA rule in its

tracks<<http://www.eenews.net/greenwire/stories/1059993072/feed>> Senate Minority Leader Mitch McConnell -- joined by nearly all his Republican colleagues -- today introduced legislation aimed at blocking U.S. EPA's proposal to limit greenhouse gas emissions from power plants. The Kentucky Republican argues that Congress should be able to stop the rule using the Congressional Review Act despite the fact that disapproval resolutions under that act are typically applied only to rules that have been finalized and submitted to the Government Accountability Office -- neither of which has happened here. Still, McConnell says he's not trying to broaden the CRA's scope for all rules, just the new source performance standard (NSPS) rule. That is ripe for CRA disapproval because its authority is derived from a section of the Clean Air Act under which the date a rule is proposed -- rather than when it is finalized -- determines which facilities it would apply to. "Thus, the Proposed GHG Rule immediately changes the legal landscape for anyone seeking to develop a fossil fuel power plant," McConnell argues in a letter to the comptroller general today. "Any company that commences construction on a new power plant after

publication of the Proposed GHG Rule will have to comply with GHG limits that did not apply before that time." Thirty-nine Republicans joined McConnell in introducing the CRA resolution of disapproval to invalidate the NSPS rule, which was released last September and published in the Federal Register last week. McConnell's argument uses publication of the proposal as the date on which it has legal effect and should be subject to review. Environmentalists say that logic is not enough to trigger CRA review because any requirements would not actually be applied until the NSPS rule is finalized and its standards could change in the interim, and that agency submission to GAO is a necessary prerequisite for disapproval under the act.

Questions on spilled W.Va. chemical arise as pregnant women get warning<<http://www.eenews.net/greenwire/stories/1059993069/feed>> As West Virginia residents continue to flush their water systems and resume use of tap water, questions continue to swirl about how much is known about the coal-cleaning chemical that leaked into the Elk River last week. A notice<<http://www.wvdhhr.org/Advisory1152014.pdf>> from the West Virginia Department of Health and Human Resources yesterday warned pregnant women to drink bottled water until tap water is free of 4-methylcyclohexane methanol (MCHM). The order was made "out of an abundance of caution," the notice says, adding that the U.S. Centers for Disease Control and Prevention "re-affirmed previous advice that it does not anticipate any adverse health effects" from the current levels. That comes after Monday's announcement that extensive tests showed that the levels of MCHM had dropped below 1 part per million (ppm), which CDC and U.S. EPA said would be safe. The order yesterday evening has led to more questions about whether regulators have sufficient information on MCHM, which can result in skin or eye irritation and could be harmful if inhaled or ingested. "Clearly something prompted the issuance of the advisory. I hope we'll learn more shortly," Richard Denison, senior scientist for the Environmental Defense Fund, wrote in a blog post. Denison said there's a question of whether new studies "suggest a potential for developmental toxicity or a related effect."

INFRASTRUCTURE: Leaks plague Washington, D.C.'s natural gas network -- study<<http://www.eenews.net/greenwire/stories/1059993040/feed>> A street-by-street check detected almost 6,000 natural gas leaks in Washington, D.C.'s aging pipeline systems, researchers said in a recent study. In 12 of the leaks, methane had accumulated to potentially explosive levels. And at eight of those locations, researchers found there were still high concentrations of gas four months later -- even after they warned utility Washington Gas about the problem. Researchers said that while the emissions may not affect human health, they contribute significantly to climate change. Washington Gas officials would not respond to questions about the study. But the utility's vice president of corporate relations, Eric Grant, released a statement saying the utility maintains "rigorous inspection programs, operating procedures and record-keeping protocols. Washington Gas practices exceed the leak detection and repair procedures that are required by code, enforced by federal agencies and overseen by each state's public service commission."

HAZARDOUS WASTE: EPA sets stage for launching e-manifest system<<http://www.eenews.net/greenwire/stories/1059993050/feed>> A long-awaited electronic manifest system to track hazardous waste advanced yesterday as U.S. EPA issued a final rule authorizing the replacement of the current paper-based system. The rule would allow companies to report shipments of hazardous waste to disposal sites electronically under the Resource Conservation and Recovery Act (RCRA). It's estimated that the plan could save more than \$75 million per year for states and industry and reduce the time spent on the manifests by between 300,000 and 700,000 hours. "Once fully implemented, the national e-Manifest system will provide greater access for emergency responders to information about the types and sources of hazardous waste that are in transit between generator sites and waste management facilities," said Mathy Stanislaus, EPA assistant administrator for the Office of Solid Waste and Emergency Response. The e-manifest system was established under legislation signed by President Obama in 2012, which requires EPA to set up the system by next year. The \$15 million startup would be covered through user fees. Supporters -- which include industry and environmental groups alike -- have pitched the system as a way not just to reduce administrative costs but to save the financial and environmental impact of using between 2 million and 5 million paper forms a year.

CNN

How safe is West Virginia tap water, if pregnant women shouldn't drink it?

<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=2&ved=0CDMqQloADAB&url=http%3A%2F%2Fwww.cnn.com%2F2014%2F01%2F16%2Fus%2Fwest-virginia-contaminated-water%2F&ei=lyDZUsWjEpWqsQSfkYHACw&usg=AFQjCNHJInK7d5nQA1oMrrh5RXowlIBIBVA&sig2=hXWXQr-XMYkxLHICycW7zg&bvm=bv.59568121,d.cWc>> Days after they told some West Virginia residents they shouldn't worry about drinking tap water contaminated with a chemical used to clean coal, local health officials issued a new advisory this week. Pregnant women, they suggested, might want to stick to drinking bottled water. In new guidance issued Wednesday night, West Virginia health officials advised pregnant women to wait to drink tap water until there are no detectable levels of the chemical in it. So how safe can the tap water be, if pregnant women shouldn't drink it? "That's a good question," said Dr. Rahul Gupta, director of the Kanawha-Charleston Health Department. "There's a lot of unknowns about this potential chemical that have the chance to do some harm to humans." The Centers for Disease Control and Prevention have said as long as the chemical is diluted enough, the water should be safe to drink. But other experts say they aren't so sure, because studies about the chemical -- 4-methylcyclohexane methanol -- are sparse, and investigators are still looking into them. "Due to limited availability of data, and out of an abundance of caution, you may wish to consider an alternative drinking water source for pregnant women until the chemical is at non-detectable levels in the water distribution system," CDC director Dr. Thomas Frieden said in a letter to West Virginia health officials advising them on the situation. It's not uncommon for officials to issue different guidance for pregnant women, who are considered to be more vulnerable to illness than the general population. One reason why: even when chemicals have been studied, research into the impact on pregnant women is less common. But some have expressed concern that ever since the spill started, guidance to the public about the contaminated water has been murky. Residents first got word of the situation on January 9, when authorities warned hundreds of thousands of people living in nine West Virginia counties not to use tap water or do anything except flush their toilets with it. More than 7,000 gallons of the chemical, known as MCHM, has leaked from a storage tank into the Elk River -- a key water supply source. A strong licorice odor was the telltale sign that the chemical was present, and officials warned that they couldn't say the water was safe. Over the weekend, state health officials said they'd gotten guidance from the CDC. And starting Monday, they began giving the go-ahead to people in certain areas to start using tap water again. Asked about the chemical, the CDC issued guidance to state authorities in West Virginia suggesting the water would be safe to drink if samples met the safety standard of 1 part per million -- meaning that there is no more than 1 milligram of the chemical in 1 liter of water. Does that mean it's safe? "Based on the water sampling data that we have seen, we think that allowing the water to be used for drinking and cooking and all the other things is perfectly appropriate," said Dr. Vikas Kapil, chief medical officer for the CDC's National Center for Environmental Health.

Mayor: Company responsible for chemical leak run by

'renegades'<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=85&ved=0CDcQqQloADAEOFA&url=http%3A%2F%2Fthelead.blogs.cnn.com%2F2014%2F01%2F16%2Fmayor-company-responsible-for-chemical-leak-run-by-renegades%2F&ei=oSrZUt2zH6zgsAS1moGoBw&usg=AFQjCNH2SA-RDOZiCZSY7ODMpv1PxpwcWA&sig2=tznUy_Lhf69iuRnXAqvFA&bvm=bv.59568121,d.cWc> Health officials are advising pregnant women who live in the areas of West Virginia where a chemical leaked into the water supply last week to continue drinking bottled water. "Due to limited availability of data, and out of an abundance of caution, you may wish to consider an alternative drinking water source for pregnant women until the chemical is at non-detectable levels in the water distribution system," CDC director Dr. Thomas Frieden said in a letter to West Virginia health officials. The problem stemmed from a leak of several thousand gallons of 4-methylcyclohexane methanol from a storage tank belonging to a company called Freedom Industries. That chemical, which is used in the coal industry, leaked out of a storage tank at a Freedom Industries facility, breached a concrete wall surrounding the tank, seeped into the soil, made its way to the Elk River, entered a water plant about a mile upstream and got into the water system. Charleston, West Virginia, Mayor Danny Jones, a Republican, says Freedom Industries is run by "a small group of renegades." "Somebody should have had a better handle on what was going on in those white tanks," Jones said in an interview with CNN's "The Lead with Jake Tapper." "I never knew what was in them." "This has been devastating for this area, for these nine counties and for my city," said Jones. But

the mayor does not advocate stricter regulations for the coal industry. "I can't believe that what those folks did wasn't against the law, on its face," said Jones. "The wall was deficient. The tank had leaked for some time and somebody, apparently, dropped the ball. Most coal operations are safe, and they are as clean as coal is allowed to be."

West Virginia: New health hazard, same

story?<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=90&ved=0CEcQqQloADAJOFA&url=http%3A%2F%2Fwww.cnn.com%2F2014%2F01%2F16%2Fpolitics%2Fwest-virginia-chemical-water%2F&ei=oSrZUt2zH6zgsAS1moGoBw&usg=AFQjCNGzpsjdIRIUXvJEsfRPd8w6KiNsOA&sig2=d9oUjVFmxD2oGKtkrhBSZQ&bvm=bv.59568121,d.cWc>> West Virginia is recovering from another hazardous health crisis -- a toxic chemical spilled into the Elk River that poisoned the water supply for hundreds of thousands of residents

WALL STREET JOURNAL

West Virginia Inspectors Visited Chemical Spill Site Five Times Since

2001 <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=55&ved=0CDcQqQloADAEODI&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303465004579324580593833264.html&ei=hCTZUp7KNofIsATOO4CYBQ&usg=AFQjCNEL46LIP8JaSjxHXK9uEXnqgkwBYA&sig2=WQK-0iqq_QlGk8hOzpsTJA&bvm=bv.59568121,d.cWc> CHARLESTON, W.Va. Environmental inspectors visited the site of last week's chemical spill here at least five times since 2001, but they primarily focused on air quality rather than factors that might have figured in the accident that compromised the water supply of 300,000 people, newly released records show. The state air-regulation inspectors weren't required to look at the storage of the chemicals, West Virginia officials said, underscoring gaps in regulatory oversight of the facility. The inspections the number of which is higher than officials initially reported mainly were for routine reviews, but one occurred in response to complaints of a strong licorice smell, the new cache of records shows. In 2010, inspectors traced the licorice odor to tanks storing 4-methylcyclohexane methanol, the records indicate. That is the same substance authorities said leaked from a tank on the site Jan. 9, breached a failed containment wall and entered the Elk River, blanketing the city in the distinctive smell and contaminating the water supply. The trove of records from the state Department of Environmental Protection contradicts reports from agency authorities soon after the spill that inspectors hadn't been on the site, owned by Freedom Industries Inc., since 1991. Tom Aluisse, a department spokesman, said Thursday that the agency initially wasn't aware of the additional inspections. Records show DEP inspectors visited the storage facility in 2002 as part of a voluntary cleanup done by the previous owner, Pennzoil-Quaker State Co., which had sold the parcel to a company connected to Freedom a year earlier. Inspectors from the agency's air-quality division also conducted routine reviews in May 2005, June 2009 and February 2012. No violations were found, according to a review of the documents by The Wall Street Journal.

Blog: McConnell Launches Pre-Emptive Strike on

EPA <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=63&ved=0CDMQqQloADACODw&url=http%3A%2F%2Fblogs.wsj.com%2Fwashwire%2F2014%2F01%2F16%2Fmccconnell-launches-pre-emptive-strike-on-epa%2F&ei=azLZUoC8D-_ksATXsYAI&usg=AFQjCNFTthLTclwPtn2qaYyrbzbwLJ8kQQ&sig2=_UwmqgENZxpBAplJle64Bw&bvm=bv.59568121,d.cWc> Senate Minority Leader Mitch McConnell of Kentucky mounted a pre-emptive assault Thursday on the Environmental Protection Agency, attempting to block planned federal greenhouse gas emissions limits on new coal-fired power plants. Mr. McConnell and 40 other Republican senators including fellow Kentuckian Rand Paul filed a resolution of disapproval against the agency's proposed rules, which were formally offered last week in the Federal Register. The regulations would encourage the use of carbon-capture technology to minimize emissions, which the industry says would effectively prevent the building of new coal-fired plants. Kentucky is facing a real crisis here, McConnell said from the Senate floor. The Obama administration appears to be sending signals that its latest regulation is just the beginning in a new, expanded front in its war on coal. The longtime Kentucky Republican has been sparring with the White House and President Barack Obama's administration over coal industry environmental regulations for several years, during which time the coal industry in Appalachia has been shrinking and its jobs disappearing. Already, the administration's

regulations have played a significant role in causing coal jobs in my state to plummet," said Mr. McConnell. "These are good jobs that pay more than \$1 billion in annual wages to my constituents. And for every miner with a job, three more Kentuckians will hold a coal-dependent job too," he added. The Sierra Club denounced the GOP resolution. McConnell is attacking [the rules] before the Environmental Protection Agency has even determined what they will be. McConnell's political maneuver is like asking for instant replay before the football is even snapped," said Melinda Pierce, Sierra Club Deputy Legislative Director, in a statement. The EPA is unlikely to finish the coal-plant rulemaking for months; it has just begun a 60-day comment period. But Mr. McConnell can't afford to dally. He is running for re-election, and has been under fire both from the likely Democratic contender, Alison Lundergan Grimes, and from a tea party candidate, Matt Bevin, who may challenge Mr. McConnell in a GOP primary this year.

NEW YORK TIMES

Editorial: Contaminated Water in West

Virginia<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=62&ved=0CC4QqQIoADABODw&url=http%3A%2F%2Fwww.nytimes.com%2F2014%2F01%2F17%2Fopinion%2Fcontaminated-water-in-west-virginia.html&ei=3CfZUrbDJOrMsAT6nIDQCA&usg=AFQjCNFyAi35OPVyX60LR3VCR-ACoHPWGg&sig2=V5v5_BEnfWzJXkuRXXKRBA&bvm=bv.59568121,d.cWc> The chemical spill that cut off water to more than 300,000 people in West Virginia for several days has exposed serious defects in state and federal environmental protections that allow many facilities and chemicals to escape scrutiny. Investigators are still trying to figure out exactly how an estimated 7,500 gallons of a chemical used to clean coal called 4-methylcyclohexane methanol, or MCHM, leaked from a storage facility into the Elk River. But state and federal agencies clearly should have done more to limit the risks. For starters, the state failed to adequately inspect how the facility stored chemicals, though it did send inspectors there to check on air quality. The chemicals were kept in tanks on the riverbank, upstream from a large water-treatment plant that supplies Charleston. The spill is the third major chemical accident in the region in five years. State lawmakers and regulators in West Virginia have a long history of coddling the coal and chemical industries, which dominate the state's economy. According to a 2009 investigation by The Times, companies that pollute state waters are rarely fined. And state officials have so far ignored a 2011 proposal from the federal Chemical Safety Board urging new rules to prevent industrial accidents and spills. That recommendation came after an explosion at a chemical plant near Charleston that killed two people in 2008. The federal government also has a checkered record on chemical safety. The main law regulating chemicals, the Toxic Substances Control Act of 1976, has allowed tens of thousands of inadequately tested chemicals, including MCHM, to remain in use. (Experts say it's unclear how harmful MCHM is and how much exposure could lead to death or a serious illness because the company that makes it has not publicly disclosed detailed information about the chemical.) Instead of requiring manufacturers to show that their products are safe before they can be used, the law puts the burden of proof on the Environmental Protection Agency—a huge investigative and regulatory undertaking. The result is that the E.P.A. has tested just 200 of the roughly 85,000 chemicals in use today, and restricted fewer than a dozen. What's needed is meaningful reform like the Safe Chemicals Act of 2013 introduced by Senator Frank Lautenberg, Democrat of New Jersey, and Senator Kirsten Gillibrand, the New York Democrat, that would require manufacturers to prove that chemicals are safe before they can be sold. In recent days, concentrations of MCHM in the water system have fallen sharply and some in the Charleston area can now drink the tap water. But the passing of this crisis should not dissuade the state or the federal government from strengthening and enforcing statutes.

U.N. Says Climate Situation Is Critical<<http://www.nytimes.com/2014/01/18/opinion/chappatte-un-says-climate-situation-is-critical.html?partner=rssnyt&emc=rss>> (Cartoon)

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West Virginia Spill: Where Regulation Is a Dirty Word, Shady Businesses

Flourish<<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=74&ved=0CDUQqQIoADADOEY&url=http%3A%2F%2Fbillmoyers.com%2F2014%2F01%2F16%2Fwest-virginia-spill-where-regulation-is-a-dirty-word-shady-businesses-flourish%2F&ei=uynZUpemOqvMsQSw0ICABw&usg=AFQjCNG7-QDpMNPo8v2IJfC2yROMGTjfQQ&sig2=ciuQYCDW2Nt-K2rx3fGPGg&bvm=bv.59568121,d.cWc>> Asked

about the spill of thousands of gallons of toxic chemicals into a West Virginia river a disaster that shut down schools and businesses, sent hundreds of residents seeking medical treatment and left an estimated 300,000 Mountain Staters without potable water Speaker John Boehner (R-OH) told reporters that he is entirely confident that there are ample regulations already on the books to protect the health and safety of the American people. Others weren't as sanguine. We have a culture of deregulation regulation has been turned into a dirty word down here, says Russell Mokhiber, the West Virginia-based editor of the Corporate Crime Reporter. Both the Democratic and Republican parties are complicit, he told Moyers & Company. The chemical and coal industries have a stranglehold on most institutions in the state. The political situation is locked up. Jennifer Sass, a lecturer in environmental health at George Washington University told The New York Times, West Virginia has a pattern of resisting federal oversight and what they consider EPA interference, and that really puts workers and the population at risk. A 2009 investigation by the Times<<http://www.nytimes.com/2009/09/13/us/13water.html>> found that hundreds of workplaces in West Virginia had violated pollution laws without paying fines.

BLOOMBERG NEWS SERVICE

Leaked Draft of Water Jurisdiction Rule May Not Be Final EPA Position, Vilsack Says<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=1&ved=0CCwQqQIoADAA&url=http%3A%2F%2Fwww.bna.com%2Fleaked-draft-water-n17179881420%2F&ei=yzHZUqv4MOHmsATInlHYDA&usg=AFQjCNG-VeAoUjsCp81cDNWGAZgQn0yjsQ&sig2=wRkehSU6_3q9sP_pNwAitA&bvm=bv.59568121,d.cWc> A draft rule asserting broader Clean Water Act jurisdiction over U.S. waters and wetlands does not necessarily reflect the final position of the Environmental Protection Agency, Agriculture Secretary Tom Vilsack told a farm group Jan. 13. We have been assured by the EPA that the draft rule that was leaked, that was unfortunately leaked, does not necessarily reflect the position of the EPA, said Vilsack, reiterating the administration's claim made in November by EPA Administrator Gina McCarthy before a House Science, Space and Technology Committee hearing. We need to wait and see what comes out of EPA, Vilsack told participants at the American Farm Bureau Federation's annual convention, which runs Jan. 10-15 in San Antonio. Vilsack told the farm bureau that he had conveyed their concerns to the EPA regarding the real-world impact of the joint EPA-U.S. Army Corps of Engineers draft rule that is currently undergoing interagency review at the White House Office of Management and Budget. Bloomberg BNA obtained that draft rule in November. The draft rule, which is due out in proposed form this year, seeks to clarify the definition of waters of the United States subject to Clean Water Act protections and would include most natural and artificial tributaries as well as wetlands that are adjacent to or neighboring to larger downstream waters. The rule also would allow the agencies to consider the aggregate effect of geographically isolated wetlands and other waters on downstream waters.

GRIST

Dumb cuts and dumber riders: The green take on the new federal budget<http://grist.org/politics/dumb-cuts-and-dumber-riders-the-green-take-on-the-new-federal-budget/?utm_source=newsletter&utm_medium=email&utm_term=Daily%2520Jan%252016&utm_campaign=daily> In this highly polarized Congress, it counts as a major achievement merely to pass a bill that funds the government's activities. So pop the champagne, because we have a budget. It even passed<http://www.washingtonpost.com/blogs/post-politics/wp/2014/01/15/house-approves-spending-measure-sending-it-to-the-senate/?wpisrc=al_comboPN_p> the House Tuesday afternoon with wide bipartisan support, a feat usually only achieved these days by symbolic feel-good resolutions. Senate passage and Obama's signature are expected to follow soon. But don't get too excited. When it comes to the environment, the omnibus spending bill marks only marginal progress over the incredibly low standards that have been set in recent years. And it includes multiple riders inserted by House Republicans to undermine environmental regulation. The Environmental Protection Agency will receive \$8.2 billion this year. That's a slight increase over the \$7.9 billion that it would have gotten under the Budget Control Act of 2011, commonly referred to as sequestration. But sequestration was never supposed to take effect. The whole point of it was that its cuts were so broad in domestic areas Democrats care about and defense spending Republicans supposedly care about that both parties would be forced to strike a bargain to more carefully reduce the deficit. Instead, it turned out<<http://nymag.com/daily/intelligencer/2013/02/how-republicans-flipped-on-sequestration.html>> that

Republicans care more about not raising taxes on the wealthy than they do about defense. And so sequestration took effect and what was supposed to be unacceptable became the new normal.

HUFFINGTON POST

I'm From West Virginia and I've Got Something to Say About the Chemical

Spill<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=newssearch&cd=94&ved=0CDMQqQloADADOFo&url=http%3A%2F%2Fwww.huffingtonpost.com%2Feric-waggoner%2Fwest-virginia-chemical-spill_b_4598140.html&ei=WyvZUsm3M6_LsQTSmYKgDg&usg=AFQjCNFBBoymUJjduCU8q5EI9nMKIbOFsEA&sig2=TmRjivgSU4gbU_4Z8G1DnQ&bvm=bv.59568121,d.cWc> My dad, a lifelong firefighter, used to teach Hazardous Materials Response and Safety classes to first responders. The first informational point he covered at the beginning of the course was how to read the classification marks on transportation tankers -- the little diamond-shaped signs, usually mounted on the back of the tank, that announce via numerical code what kinds of chemicals are stored in those transport vehicles, and what levels and types of health risks would be associated with a spill in the case of a wreck. The first homework assignment he gave was for the firefighters to go home and stand on the main cross street in their neighborhoods and home towns for about an hour, and write down the numbers on every tag they saw pass through that intersection, then go look up the numbers. Dad said that the next week, when those students came back for class, invariably there'd be two or three groups of firefighters whose faces were white as flour.

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